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AND OFFICER FUNK

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LAZARIS ITALO FULLER,

Plaintiff,

vs.

CITY OF RICHMOND, OFFICER CANTRELL,
OFFICER R. THOMAS, OFFICER POMEROY,
OFFICER MOODY, and OFFICER FUNK,

Defendants.

No.: C-03-5616 MMC

**STIPULATION AND ORDER
CONTINUING DATE EXPERT
DISCOVERY CUT OFF AND
DISPOSITIVE MOTION DEADLINE**

Honorable Maxine Chesney

Plaintiff Lazaris Italo Fuller (“Fuller”), and defendants City of Richmond, Officer Cantrell, Officer R. Thomas, Officer Pomeroy, Officer Moody and Officer Funk (“Defendants”), through their respective attorneys of record in this action agree and stipulate as follows:

WHEREAS, the expert discovery cut off in the above captioned case is currently October 27, 2006; and

WHEREAS, the deadline for the parties to file dispositive motions is currently November 9, 2006; and

WHEREAS, lead trial counsel for plaintiff, Bernard Casey, will be in Washington D.C. on business from October 9, 2006 through October 16, 2006; and

WHEREAS, lead trial counsel for plaintiff, Bernard Casey, will be in Guantanamo Bay with clients through October 21, 2006, and will not return to the office until October 23, 2006; and

WHEREAS, trial counsel for plaintiff, Kirsten Daru, will be in New Jersey from October 23, 2006 through October 28, 2006 in an NASD Arbitration;

WHEREAS, lead trial counsel for Defendants, James V. Fitzgerald, III, will be on vacation out of the continental U.S. from November 6th through 10th; and

WHEREAS, plaintiff has disclosed three experts in this matter, and defendants have also disclosed three experts in this matter; and

WHEREAS, given the foregoing, plaintiff cannot adequately and reasonably complete expert discovery with respect to the six experts in this case under the current timeframe; and

WHEREAS, the parties have agreed to a brief extension of both the expert discovery cutoff date as well as the parties’ deadline to file dispositive motions; and

WHEREAS, the extension agreed upon by the parties will not disrupt or otherwise affect the trial date in this case. Indeed, under the proposed schedule, trial in this matter can proceed as planned on February 12, 2006.

THEREFORE, the parties stipulate, through their counsel of record, to the following:

(1) The expert discovery cut off currently scheduled for October 27, 2006 shall be continued until November 22, 2006; and

